

1 Andrew H. Wilson
2 WILSON, RYAN & CAMPILONGO
3 115 Sansome Street
4 Fourth Floor
5 San Francisco, CA 94104
6 (415) 391-3900

7 Laurie J. Bartilson
8 MOXON & BARTILSON
9 6255 Sunset Blvd., Suite 2000
10 Hollywood, CA 90028
11 (213) 960-1936

12 Attorneys for Creditor
13 CHURCH OF SCIENTOLOGY INTERNATIONAL

14 UNITED STATES BANKRUPTCY COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 In re

17 GERALD ARMSTRONG,

18 Debtor

) CASE NO. 95-10911 aj
)
) CHURCH OF SCIENTOLOGY
) INTERNATIONAL'S MOTION TO
) STRIKE EVIDENCE FILED BY
) DEBTOR GERALD ARMSTRONG,
) OR, IN THE ALTERNATIVE TO
) PERMANENTLY SEAL VOLUMES I
) AND VI OF ARMSTRONG'S
) EVIDENCE IN SUPPORT OF
) MOTION FOR RELIEF FROM
) STAY, AND FOR SANCTIONS
)
) [Bk.R. 9018, 9011]
)
) DATE: June 9, 1995
) TIME: 9:00 a.m.
) CTRM: Hon. Alan Jaroslovsky
)

1 TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that creditor Church of Scientology International ("the
3 Church") will and hereby does move, this Court, (1) striking the seven volumes filed
4 by debtor Gerald Armstrong ("Armstrong") as evidence in opposition to the Church's
5 motion for relief from stay ("the evidence") and removing them from the court's
6 records or, in the alternative, for an order sealing Volumes I and VI of the evidence;
7 (2) preventing Armstrong from, in the future, filing any documents which are, contain,
8 or refer to copies, altered versions, or revisions of the Church's confidential scripture;
9 and (3) sanctioning Armstrong for his abuse of the Court's procedures.

10 As grounds for this motion, the Church states:

11 1. In opposition to the Church's motion for relief from stay, filed with this
12 Court on April 26, 1995 and set to be heard on May 25, 1995, Armstrong filed two
13 declarations and seven volumes of what he termed "Evidence in Support of Opposition
14 to Scientology's (sic) Motion for Relief From Stay." This "evidence" has nothing to
15 do with the issues presented by the Church's motion for relief, which is a
16 straightforward motion asking the Court to permit the Church to conclude the state
17 court action against Armstrong, which was set to go to trial today. Instead, the
18 "evidence" consists of voluminous declarations, previously filed by Armstrong in other
19 matters, all of which have as their general import his opinion that the Church is "bad;"
20 declarations of other anti-Scientology litigants, also previously filed in other matters,
21 also expressing their opinions that the Church is "bad;" two new declarations insisting
22 that Armstrong is a Christian and, because of his Christianity, has been compelled by
23 God to violate both his settlement agreement with the Church and court orders based
24 on that agreement; and copied and/or altered versions of some of the Church's
25 confidential scripture, which consist of protected trade secrets;

26 2. Armstrong's voluminous evidentiary filing provided no evidence of
27 relevance to the matters placed at issue by the Church's motion, but instead severely
28 burdened the resources of the Court;

3. Two of the volumes of evidence filed by Armstrong contain materials which are confidential trade secrets belonging to the Church and which, pursuant to California and federal law, should be sealed from public view. Further, Armstrong was aware before he filed these documents that they were so protected. He filed the identical documents in the underlying state court proceedings, and they were stricken by the state court at that time; and

4. Armstrong's filing was in bad faith, malicious, and intended purely to prejudice and harass the Church.

This application is based this notice of motion, the attached Declaration of Laurie J. Bartilson and exhibits thereto, the accompanying Memorandum of Points and Authorities, the file in this matter, and any argument which may properly come before this court.

Dated: May 23, 1995

Respectfully submitted,

Andrew H. Wilson
WILSON, RYAN & CAMPILONGO

MOXON & BARTILSON

By: Laurie J. Bartilson

Attorneys for Plaintiff
CHURCH OF SCIENTOLOGY
INTERNATIONAL

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of California, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028.

On May 23, 1995, I served the foregoing document described as CHURCH OF SCIENTOLOGY INTERNATIONAL'S MOTION TO STRIKE EVIDENCE FILED BY DEBTOR GERALD ARMSTRONG, OR, IN THE ALTERNATIVE TO PERMANENTLY SEAL VOLUMES I AND VI OF ARMSTRONG'S EVIDENCE IN SUPPORT OF MOTION FOR RELIEF FROM STAY, AND FOR SANCTIONS on interested parties in this action,

[] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [] the original [X] true copies thereof in sealed envelopes addressed as follows:

GERALD ARMSTRONG
715 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

Jeffrey G. Locke, Trustee
P.O. Box 488
Kentfield, CA 94914-0488

[X] BY MAIL

[] *I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal

cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on May 23, 1995, at Los Angeles, California.

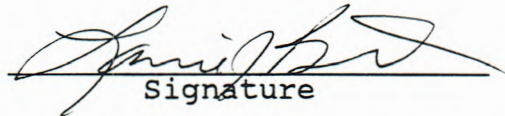
[] **(BY PERSONAL SERVICE) I delivered such envelopes by hand to the offices of the addressees.

Executed on _____, at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Laurie J. Bartilson
Print or Type Name


Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)